

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 78960

Bruno Savino
Elvira Savino
Elissa Savino

1837 Ellinwood Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 28, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 428, failure to tag or remove the unlicensed mini-van, failure to store trash in cans with tight fitting lids on residential property zoned DR 5.5 known as 1837 Ellinwood Road, 21237.

On July 6, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jason Seidelman issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. Correction Notices were issued on June 4, 2010 for removal of trash and debris, store garbage in cans with tight lids, cut and remove tall grass and weeds, remove untagged/inoperative motor vehicles, repair damaged section of fencing in side yard. This Citation was issued on July 6, 2010.

B. Photographs in the file show a dark red Plymouth Voyager minivan parked outside on the property, with no license plates. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondents must put valid tags on the vehicle and make it operable, or remove it from the property.

C. Photographs show garbage cans overflowing with bagged garbage, and no lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Garbage must be stored at all times in cans with tight lids. Photographs taken by Inspector Seidelman during his re-inspection on July 27, 2010 show multiple cans with no lids, but the cans may be empty.

D. Notes in the file from Inspector Seidelman state that some of the code violations have been corrected, with junk removed and the grass cut. However, the untagged vehicle remains on the property and it appears that garbage is still not being properly stored. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the remaining violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if the violations are corrected by August 30, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 29th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer